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THE REORGANIZATION OF LOCAL GOVERNMENT IN CUBA ¹

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The staunchest partisans of Cuban independence viewed with some misgiving the withdrawal of American control over the internal affairs of the island. Thirty-five years of insurrection were not calculated to develop those civic qualities which lie at the basis of a stable, orderly and efficient government, especially when we keep in mind the fact that under Spanish rule the native population was systematically removed from contact with public affairs. During the period of American military occupation, no branch of the public administration presented greater difficulties than the management of municipal matters. The people expected that the intervention of the United States would soon be followed by the grant of a wide measure of autonomy to the municipalities. It is a curious fact that all the Latin-American peoples regard municipal autonomy as the principle upon which the political system of the United States rests, and it is therefore taken for granted that the extension of American influence means the emancipation of local government from central control. Even the more conservative Cubans felt that the centralization of the Spanish system was at an end. The Secretary of State under the American military government gave expression to this sentiment in his report for the fiscal year 1899-1900, when he said: "It is not meet that in a liberal and decentralizing régime, which is to acknowledge the personality of municipalities as one of the organs of the state, the municipal corporations, even though they are of popular and elective origin, should become agents of the central government."

As soon as it became apparent that the American military governor was determined to maintain control over the administra-

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tive affairs of the towns, a wave of disappointment amounting almost to indignation swept over the island. "Have all the years of effort to rid ourselves of Spanish rule," it was asked, "resulted in nothing more than the substitution of American for Spanish tyranny?" "Are we never to escape from the administrative despotism which we hoped had been brought to a close through the friendly intervention of the United States?" These and similar questions constantly asked, served in no small measure to arouse distrust of the American government and strengthen the agitation for the immediate establishment of an independent republic.

It was evident to every impartial observer of the situation that any attempt to meet the demands for local independence would entail disastrous consequences. Not only did the municipal authorities lack experience in the performance of the elementary public services, such as street cleaning and sanitation, but there was also a total absence of definite standards of local public opinion—the two elements necessary for the successful working of a decentralized administrative system.

The system of local administration which the American military government found in force was based on the Spanish law of June 28, 1878. This law deserves special attention because it is in many respects a most characteristic piece of Spanish legislation. It was framed ostensibly in a liberal spirit, and was heralded as an epoch-making step towards local autonomy. The town council was made elective with a membership varying according to the size of the municipality. It was also provided that the council should have power to propose candidates from amongst its members for the office of mayor. The same article practically nullified this power by permitting the governor-general to reject all such proposals and to select for the executive head of the city any member of the council, or any citizen of the town, or any person whom he might deem fit, even if such person was not a resident. The fact that the mayor was removable at will, placed the executive authority of the towns at the mercy of the central government. Municipalities were divided into districts or wards, at the head of each of which a district executive appointed by the mayor was placed. The mayor was made *ex officio* presiding officer of the council.

In addition to the mayor and council there was a third organ of local government known as the Municipal Junta. This junta

or board was formed by associating with the mayor and council an equal number of taxpayers appointed by the governor-general. Its main function was to grant or withhold final approval of the municipal budget. The central government was, therefore, able to control the legislative branch of the municipality in its most important function—the disposal of revenue. The executive branch of the government was completely at the mercy of the governor-general. In fact, the mayors, as well as the district executives, were regarded as political agents of the governor-general.

It is not surprising, therefore, that with such complete control established, the powers granted to the municipalities were relatively broad. Article LXIX of the law of June 28, 1878, enumerates these powers in general terms, thus allowing the municipality to exercise all powers not inconsistent with the laws of the state.

In order to ascertain the full extension of central control over the municipalities under the Spanish system, it is necessary to examine the provincial law and the law of public works, as well as the municipal law. In these laws we find enumerated in detail the cases in which the decisions of the municipal council must be submitted to the central government for approval. While therefor a cursory examination of the municipal law seems to indicate that wide freedom of action was allowed the municipalities, a more careful examination discloses the fact that comparatively little independent action was permitted.

Under the system in force at the time of the landing of the American troops, the highest administrative supervision was exercised by the governor-general through the secretary of state and government. Subject to his immediate control were the civil governors of the six provinces, to whom in turn the officials of the one hundred and twenty-eight municipalities were responsible. The two eastern provinces—Santiago de Cuba and Puerto Principe—although representing 57 per cent. of the total area of the island, contained but twenty-two municipalities, while the four western provinces—Havana, Pinar de Dio, Matanzas and Santa Clara—although representing but 43 per cent. of the total area, contained one hundred and six municipal corporations.

This multiplication of municipalities beyond all reasonable needs was due to the fact that under the Spanish system the municipal authorities were political agents of the central government.

The multiplication of local centers was, therefore, one of the means of strengthening the control of the state over the political activity of the inhabitants. Such domination acquired special significance after the outbreak of the revolution of 1868, in fact, it was regarded by the Spanish authorities as one of the most important means of checking the spread of disaffection.

The American military government realized that it would be necessary to reduce the number of municipalities, but the first definite move in this direction was delayed until January, 1902, owing to the necessity of first reorganizing the system of local finance. An order was then issued which consolidated a number of adjacent communities, reducing the total number by one-third. Under Spanish rule the municipalities derived the larger part of their revenue from taxes on the necessities of life, which bore most heavily on the poorer classes, and were regarded as peculiarly obnoxious and oppressive. A military order of March 25, 1900, abolished the "consumo" taxes, with the exception of the tax on fermented and distilled liquors. Although this step marked a distinct advance towards a more equitable system of taxation, its immediate effect was completely to cripple the municipalities. The central government found itself obliged to take over all the fundamental local services, such as sanitation, police, public education and charities. Almost without exception the municipalities were bankrupt. At the close of the first year of American occupation the central government, after performing all the important local functions, was called upon to pay municipal deficits amounting to nearly three hundred thousand dollars—all incurred during the fiscal year.

The situation was complicated by the popular clamor for the election of municipal officials. From the beginning of American occupation until July 1, 1900, municipal officials were appointed by the military governor. In June, 1900, the first local elections were held. These elections were interpreted by the people to mark the beginning of municipal autonomy. To have heeded the general demand would have meant anarchy in administration, and would probably have resulted, because of the neglect of public sanitation, in a serious menace to the health of the island. Fortunately the government was able to withstand the pressure, although at the cost of much of its popularity.

In the capital city the power of the central government was so

complete as almost to supplant the local authorities. From January 1, 1899, to June 30, 1900, the state treasury expended nearly five million dollars on public works and the maintenance of municipal departments in the city of Havana. In fact, not only in the capital city, but throughout the island, the influence of the military government in improving the efficiency of municipal services was distinctly felt; but such services were performed either directly by the central government or under its immediate supervision. When, therefore, the United States withdrew from the island, the towns were in a fairly satisfactory condition so far as sanitation and the protection of life and property were concerned. Their civic life, however, was still undeveloped. Those in closest touch with Cuban affairs saw that with the establishment of the new republic, the most serious questions would present themselves in connection with the administration of municipal affairs.

The stability and financial standing of the central government were practically guaranteed by the United States under the provisions of the Platt amendment. Furthermore, much had been done to acquaint the Cubans with American methods of administration. An interest in the civic affairs of the island had been aroused which prepared the way for the successful operation of the institutions established under the new constitution of the republic. All this stood in marked contrast with the condition of the municipalities, in which it seemed impossible to awaken a sense of responsibility to the obligations created by national independence. In the constitutional convention local government received considerable attention. The more radical element felt that there must be a complete break with Spanish tradition, and that the constitution should provide a scheme of government in which the autonomy of the municipalities would be fully safeguarded. If any control were to be exercised, it was contended that such authority should be vested in the elected representatives of the people in Congress assembled and not in executive officers. The American system of local government was constantly cited as the model after which the institutions of a free country should be patterned. There was a widespread feeling that the continuance of any system of control through executive officials would mean the perpetuation of the same kind of arbitrary authority from which the country had suffered under Spanish rule. It was expected that the convention would sweep

away the highly centralized Spanish system, and incorporate into the new constitution a system of local government which would insure local autonomy. As soon, however, as the convention began to consider definite plans, the widest differences of opinion presented themselves. These differences proved irreconcilable, and finally led the convention to adopt a compromise, under which it restricted itself to the insertion of a few fundamental principles in the constitution, leaving the details of municipal organization to be determined by the Congress.

The most important changes introduced by the new constitution were: (1) the provision for the election of mayors, and (2) the more definite limitation of the administrative powers of the provincial governors and of the President of the Republic over municipal affairs. Article CVIII provides that the governors of the provinces and the President of the Republic may only suspend the execution of municipal ordinances and resolutions when such ordinances violate the constitution, treaties or laws of the republic, or are contrary to the policy of the provincial council. The courts are empowered to determine in last resort whether the grounds of such suspension are valid. It was hoped that with these restrictions it would be possible to eliminate arbitrary interference with the affairs of the municipalities, and thus permit the development of a certain measure of local home rule. Although the leaders were conscious of the fact that but a part of what they had hoped to accomplish had actually been achieved, they felt that an important step had been taken towards giving the Cuban municipalities a position similar to that occupied by cities and towns in the American political system.

This constant desire to transplant not the actual American system, but rather those principles of government which the political leaders of Cuba believed to be characteristically American, lends a peculiar interest to the development of municipal institutions during the first years of the republic. It would be difficult to find a better instance of the conflict between tradition and conscious purpose. The leaders in the work of civic reorganization were determined to put an end to the highly centralized administration of Spanish times, but in the actual development of the system the force of tradition has proved stronger than conscious purpose. Although the municipalities enjoy more extensive powers in law, in fact they remain subservient to the central government. There has been a noticeable

tendency to give the broadest interpretation to the powers of the central government. In a number of instances, provisions of law have been invoked for the purpose of maintaining control over local affairs, which were never intended to receive so wide an interpretation. The most striking example is the use that has been made of a civil order issued by General Wood² in April, 1902, the purpose of which was to reorganize the fiscal management of the Cuban municipalities. It provided that in all municipal budgets, receipts and expenditures must be balanced and no obligation shall be contracted nor payment made which is not therein included without express authorization in each case from the governor-general of the island. The procedure to be followed in the drafting of the budget, its form, the method of book-keeping and the plan to be followed in the disbursement of moneys, were prescribed in detail. A provision which at the time attracted but little attention, but which was destined to be of far-reaching importance is the requirement of Article IX, which makes it the duty of local authorities to submit a certified copy of the budget to the Insular Department of Finance. The secretary of finance is given power at any time within one month after the receipt of the budget to suspend the execution of such items as may violate the provisions of the order, and at the same time to determine the modifications necessary for its enforcement. This provision has given the central government wide powers of control over local finances. When the municipal budgets are submitted, the central authorities do not content themselves with a formal examination to ascertain whether an equilibrium has been established.

An excellent illustration of the exercise of this power is to be found in a recent controversy between the municipality of Havana and the President of the Republic. In the city's budget for the year 1904-05 the city council considerably increased the number of officials in the city departments, involving an additional expenditure of nearly \$29,000 (\$28,235.49). Another item provided for the expenditure of \$209,737.92 in part payment for certain lands. The council had also decided to purchase the franchise and water works of a company in one of the outlying districts, for which \$600,000 were to be paid; the budget for 1904-05 providing for a first payment of \$200,000. When this budget was submitted to the cen-

² Civil Order, No. 112.

tral government it was found that both the council and the city treasurer had estimated a probable income, which was considerably in excess of the amount collected during the year 1903-04. This estimate was in direct violation of Military Order 112, 1902, which provides that the receipts shall be estimated on the basis of the collections made in the preceding fiscal year. The central government took the view that if receipts were calculated on the basis prescribed by law, the income of the city for the year 1904-05 would not be sufficient to meet these expenditures unless the amounts appropriated for other distinctively local services were seriously reduced. Inasmuch as this reduction would cripple the municipality in the performance of some of its most important services, the central government informed the municipal authorities of Havana that the three items above mentioned would have to be eliminated from the budget. The municipal authorities entered violent protest against what they regarded as an usurpation of local powers, but the central government has firmly held to the position which it has taken.

This instance, which is but one of a long series that have occurred since the establishment of the republic, illustrates the difficulties that would arise if, after four centuries of administrative supervision, all central control were to be abandoned. It is clear to every observer of Cuban conditions that if this control is now removed, many of the municipalities will gradually drift into bankruptcy, partly because of the inexperience of the local authorities, but mainly owing to the traditions inherited from Spanish times. These traditions lead the party in power to maintain its influence by expending as large a proportion of the revenue as possible in increasing the pay-rolls of city departments.

The successes, as well as the failures of the Cuban Government in the attempt to develop more vigorous local institutions, throw an interesting side-light on some of the fundamental problems of political science. The first and most important question presenting itself is whether the system of local government as organized in the United States requires for its successful operation a combination of qualities peculiar to Anglo-Saxon peoples, or is it a form readily adaptable to other races and nationalities? If our local institutions are fundamentally out of harmony with the political traits of the Latin-

American peoples, the movement to imitate the institutions of the United States, which is more or less marked throughout the Latin-American countries, is likely to be fraught with serious consequences. The history of France and Italy furnishes abundant illustration of the danger arising out of the lack of harmony between political form and political tradition.

What, then, are the qualities which we regard as necessary to the successful operation of a decentralized administrative system? A brief analysis will show that they are the result of certain forces in the history of the English people, which have developed an attitude towards government essentially different from that of the people of Continental Europe. In England, individual liberty was secured by the common people as the result of a struggle with the Crown, and it was only retained at the cost of constant watchfulness and alertness. In this struggle the minor judiciary and the lower administrative officials gave support to the popular cause. Thus the people became accustomed not only to regard their liberties as rights which they themselves had secured, but also as local administrative duties over which they must necessarily maintain close supervision. In this way they developed that familiarity with public matters which enabled the citizen to deal with the affairs of government as confidently as with his ordinary business affairs. The system was built on the principle that responsibility for the correction of abuses rested with the community.

The course of events in the Latin countries of Europe was essentially different. The struggle against special privilege was waged by the Crown against the nobility. The common people did not wrest individual rights from the Crown, but were *granted the privilege* of enjoying a certain measure of individual freedom.

This distinction expresses a difference in institutional development which has left a deep impress on national character. In England, and in the people that have inherited English traditions, there is a deeply-rooted conviction that local liberties have been the reward of a long struggle, and that the responsibility for their safeguarding rests with the community. Interference by any outside authority, especially if such authority be the executive branch of the government, is viewed with distrust and immediately arouses concerted opposition. This is the real basis of local self-government. It is true that the alertness to local liberties has been greatly weakened in

our larger cities, and in order to gauge its true strength we must study the attitude of the smaller communities. In New York, Philadelphia and Boston, local self-government has been undermined to such a degree that it is hardly more than a name. But this exceptional situation must not blind us to the fact that the principle of local self-government is still one of the dominant ideals of the vast majority of American communities, and that the traits of national character upon which this principle rests are still strongly marked.

The peoples of Latin-America have inherited totally different traditions from Spain. In the mother country the fact that the common people did not participate in the struggle for liberty has exerted a determining influence on the attitude of the population towards government. Individual rights were *granted* by the government instead of wrested from it, and are now construed as a gift from the central authorities upon whom the duty of protecting them rests. In fact, the people have greater fear of a tyrannical exercise of power by the local than by the central authorities. In the countries of Latin-Europe, as in the countries of Latin-America, we constantly find the people appealing to the state government for protection against alleged arbitrary action of local officials.

We are here face to face with a fundamental difference in the attitude towards government, which goes far to explain the inability of the Latin-American people successfully to operate a system of local government that is based on the principle of individual assertiveness and of political responsibility. No matter how explicit the constitutional or legal provisions intended to secure freedom from interference by the central government in local affairs, the tendency to look to the state authorities for guidance immediately shows itself. If the legal obstacles are such as to make it difficult to secure such guidance, local policy drifts and local services soon descend to a level of inefficiency which makes the interference of the central government necessary in order to protect the health and welfare of the state as a whole.

This necessity brings into sharp relief the danger involved in the attempt to transplant institutions which are out of harmony with the traditions and training of a people. It further illustrates the fact that however strong the desire to transplant the institutions of another country, unless such desire be in harmony with race tradition and training, the adoption of foreign forms will do little more

than furnish a new channel through which the settled traditions of the people will find expression. The history of local institutions in Cuba is significant because of the fact that in spite of all attempts at decentralization, Spanish administrative traditions are still dominant. This fact alone is fraught with a deep lesson. It points clearly to the truth that however strong the admiration of the Cuban people for American local institutions, it is unsafe to attempt to transplant them until the Cuban people have developed a different attitude towards government. Any attempt at such transplanting must prove ineffectual, because under the form so established the older Spanish tradition will soon assert itself.

The only fruitful line of development will be a gradual modification of local institutions with a view to fostering those qualities that have enabled the people of the United States to make local self-government the foundation stone of the American system. For a long time to come the Cuban Government must exercise a control over the municipalities which shall exact from them a certain minimum standard of efficiency. The consistent maintenance of such standards will in time develop a body of local public opinion which will prepare the way for administrative decentralization.